

Remarks

Claim 37 has been amended to delete the phrase “converting a quinazoline derivative of the formula I into another quinazoline derivative of the formula I”. Claim 37 has also been amended to replace the phrase “except that” with the phrase “and wherein”. Both of these amendments to claim 37 were made to expedite prosecution of the application as discussed below.

1. Allowed Claims

Claims 1-32 and 38 are indicated by the Examiner as being “allowed” on the Office Action Summary sheet and as “allowable” on page 3 of the Office Action. Applicants presume that the claims are allowed since there is no indication from the Examiner that any further action is required by Applicants.

2. Rejection under 37 C.F.R. 112, second paragraph

Claim 37 is rejected as allegedly indefinite for recitation of (i) the phrase “converting a quinazoline derivative of the formula I into another quinazoline derivative of the formula I” and (ii) the term “except” for the reasons provided on page 2 of the current Office Action.

Applicants submit that the contested phrase and term would be clearly understood by a person of ordinary skill in the art. However, in an effort to expedite prosecution of the subject application, Applicants have deleted the phrase “converting a quinazoline derivative of the formula I into another quinazoline derivative of the formula I” and have replaced the term “except that” with the term “and wherein”. In view of these amendments to claim 37, Applicants submit that the rejection has either been effectively mooted (in the case of (i)) or effectively addressed (in the case of (ii)). Accordingly, Applicants respectfully request that this rejection be withdrawn.

3. Information Disclosure Statement

The Examiner requests that Applicants provide inventor or assignee names for all listed foreign documents in the earlier submitted Information Disclosure Statements of June 8, 2007; January 28, 2008; February 27, 2007; and October 24, 2005.

As submitted by Applicants in the previously filed response, this request by the Examiner is not a requirement of the U.S. patent rules or of the MPEP. More specifically, Rule 1.98(b)(4) requires that foreign patents and foreign published applications listed in an IDS “must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.” From this recitation of the rule, it is clear that there is no requirement that the patentee or applicant be listed. MPEP § 609 states that “[o]nce the minimum requirements of 37 CFR 1.97 and 37 CFR 1.98 are met, the examiner has an obligation to consider the information” (emphasis added).

Based on the above, Applicants submit that the previously submitted PTO-1449 forms were in total compliance with the requirements of the rules of the U.S. Patent Office. However, strictly as a courtesy to the Examiner and to expedite prosecution of the subject application, Applicants have provided the information requested by the Examiner as shown by the resubmitted PTO-1449 forms submitted with this response.

Applicants point out that in the PTO-1449 form dated December 4, 2008, which was attached to the current Office Action, the Examiner indicates consideration of all listed documents except for document #3 (CA 2476008). There is no indication on the PTO-1449 form as to why this document was omitted from consideration. Applicants have therefore resubmitted the PTO-1449 form of December 4, 2008 (with the assignee names added) and respectfully request that the Examiner indicate consideration of document #3.

4. Conclusion

The foregoing amendments and remarks are being made to place the application in a condition for allowance. Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner find that an interview would be helpful

to further prosecution of this application, she is invited to telephone the undersigned at her convenience.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or

to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a

Constructive Petition for Extension of Time in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully submitted
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